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SIPDIS

DEPARTMENT FOR EUR/SCE SHIRATORI AND TOMLYANOVICH

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SUBJECT: ITALY WILL ABSTAIN ON SERBIAN ICJ RESOLUTION AT
UNGA

REF: STATE 105796

(C) DCM delivered reftel demarche to MFA Director General for Europe Laura Mirachian on October 3, explaining the U.S. plan to oppose Serbia's resolution referring a question on the legality of Kosovo's declaration of independence to the International Court of Justice (ICJ). Mirachian said Italy would abstain from voting on the resolution and was endeavoring to forge a common EU position to do so, although EU member states currently had widely varying positions on the issue. Mirachian said Italy could not appear to block a UN member state's access to the ICJ, and so could not actively oppose the resolution. She said, however, that Italy's position was informed by its strong conviction that the ICJ would not/not vote in Serbia's favor. Given the circumstances, in which 90 percent of Kosovars have voted in favor of independence and 47 countries have recognized an independent Kosovo, Mirachian said it was "inconceivable" that the ICJ would side with Serbia.
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